

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-17 are pending. Claim 1-3, 8-11 and 15-17 are independent and hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. SUPPORT FOR AMENDMENT IN SPECIFICATION**

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraphs [0066]-[0069] and Fig. 2 of Applicants' corresponding published application. By way of example and not limitation:

[0066] In step S21, the user terminal 2a acquires (is equipped with) the provided product. In step S22, when being used by the user, the user terminal 2a accumulates (stores) operation information and an input signal at the use for a predetermined period (e.g., three years). In step S23, the user terminal 2a provides the stored information to the center processing apparatus 1. The provision of the information may be performed by delivering the product, itself, or a part storing the information, etc., from the user to the center processing apparatus 1, or may be performed by transmitting data from the user terminal 2a to the center processing apparatus 1 through a network such as the Internet.

[0067] The provision of the information in step S23 may be performed when the information is stored within the predetermined period, or based on an instruction from the center. Also, the provision of the information may be performed at the request of the user.

[0068] While the user terminal 2a stores the operation information or the input signal in step S22, the center (manufacturer) performs research and development on a new product or function. The center

processing apparatus 1 acquires the information provided by the user terminal 2a in step S2, and analyzes the acquired information in step S3. The center processing apparatus 1 optimizes processing so that the researched and developed new product or function can match preferences of the user of the user terminal 2a. For example, when the result of analyzing the acquired information in step S3 indicates that the user of the user terminal 2a tends to like high resolution images, programs, parameters, etc., of the new product or function are selected so as to be optimal for image-resolution increasing processing.

[0069] In step S4, the center processing apparatus 1 produces a product or circuit board to which a new function, that is, a function reflecting the result of the analysis of the user, is added, and provides the product or circuit board to the user.

FIG. 2



### III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-3, 8-12 and 14-17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 7,188,355 to Prokopenko et al. (hereinafter, merely “Prokopenko”) in further view of U.S. Patent No. 6,711,676 to Zomaya et al. (hereinafter, merely “Zomaya”).

Claims 4-7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Prokopenko in view of Zomaya, in further view of U.S. Patent No. 7,260,823 to Schlack et al. (hereinafter, merely “Schlack”).

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Prokopenko in view of Zomaya, and in further view of U.S. Patent No. 6,381,369 to Kondo et al. (hereinafter, merely “Kondo”).

Claim 1 recites, *inter alia*:

“...acquiring means for acquiring user information collected from each of the information processing apparatuses, the user information including operation information from a user;

analyzing means for analyzing the operation information that reflects new products and new functions that the user prefers and obtaining user preference information indicating the new products and the new functions...” (Emphasis added)

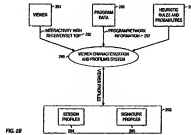
Applicants submit that neither Prokopenko nor Zomaya nor Schlack, taken alone or in combination, that would teach or suggest the above discussed feature of claim 1.

Specifically, none of the cited references teaches or suggests the user information including operation information from a user and analyzing means for analyzing the operation information that reflects new products and new functions that the user prefers, as recited in claim 1.

Specifically, the Office Action of May 28, 2009 (see page 4) asserts that Prokopenko teaches analyzing means for analyzing the user information, and the Office Action of August 6, 2008 (see page 4) asserts that Schlack discloses a profiling system that monitors user interaction with a set-top-box and store then to a user profile for analysis, and refers to Fig. 2B and col.12, line 65-col.13 line 10, which are reproduced as follow:

*Schlack, col.12, line 65-col.13 line 10:*

FIG. 2B depicts a context diagram of a Viewer Characterization and Profiling System (VCPS) 290 according to one embodiment of the invention. The VCPS 290 monitors interactivity 291 of one or more viewers 292 with the TV. The interactivity includes, but is not limited to, channel changes, volume changes, EPG activity, and power on/off events. According to one embodiment, the VCPS 290 generates one or more viewer profiles 293 (session profiles 294 and signature profiles 295) based on the interactivity. The viewer profiles 293 identify characteristics about one or more categories of viewing habits of the user, including but not limited to, channel change rate, dwell time, amount of TV watched, volume habits, and EPG habits. According to another embodiment, the VCPS 290 uses program data 296, such as program and network information 297 (i.e., stored in program database 260), to further define the viewer profiles 293 to include viewing preferences related to specific networks, program types, and programs. According to another embodiment, the VCPS 290 utilizes heuristic rules 298 to further define the viewer profiles to infer preferences and demographic traits of the viewer.



Thus, in Schlack, the viewer profiles identify characteristics about the viewing habits of the user, such as channel change rate, dwell time, amount of TV watched, volume habits, and EPG habits. Applicants submit that **Schlack teaches analyzing the user operation that reflects the user's viewing habits, but teaches nothing about analyzing the user operation that reflects new products and new functions that the user prefers**, as recited in claim 1.

However, in the present invention, paragraphs [0066]-[0069] and Fig. 2 of Applicants' corresponding published application, describe analyzing the operation information that reflects new products and new functions that the user prefers and are reproduced as follow:

[0066] In step S21, the user terminal 2a acquires (is equipped with) the provided product. In step S22, when being used by the user, the user terminal 2a accumulates (stores) operation information and an input signal at the use for a predetermined period (e.g., three years). In step S23, the user terminal 2a provides the stored information to the center processing apparatus 1. The provision of the information may be performed by delivering the product, itself, or a part storing the information, etc., from the user to the center processing apparatus 1, or may be performed by transmitting data from the user terminal 2a to the center processing apparatus 1 through a network such as the Internet.

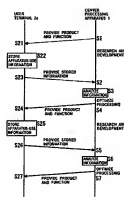
[0067] The provision of the information in step S23 may be performed when the information is stored within the predetermined period, or based on an instruction from the center. Also, the provision of the information may be performed at the request of the user.

[0068] While the user terminal 2a stores the operation information or the input signal in step S22, the center (manufacturer) performs research and development on a new product or function. The center processing apparatus 1 acquires the information provided by the user terminal 2a in step S2, and analyzes the acquired information in step S3. The center processing apparatus 1 optimizes processing so that the researched and developed new product or function can match preferences of the user of the user terminal 2a. For example, when the result of analyzing the acquired information in step S3 indicates that the user of the user terminal 2a tends to like high resolution images, programs, parameters, etc., of the new product or function are selected so as to be optimal for image-resolution increasing processing.

[0069] In step S4, the center processing apparatus 1 produces a product or circuit board to which a new function, that is, a function reflecting the result of the analysis of the user, is added, and provides

the product or circuit board to the user.

FIG. 2



Thus, in the present invention, the center processing apparatus analyzes the acquired user operation information, and optimizes processing so that the researched and developed new product or function can match preferences of the user. For example, when the result of analyzing the acquired information in step S3 indicates that the user tends to like high resolution images, the user preference information will indicate that the new product or function will be selected to be optimal for image-resolution increasing processing.

Thus, nothing has been found in Schlack that would teach or suggests analyzing means for analyzing the operation information that reflects new products and new functions which the user prefers, as recited in claim 1.

Furthermore, this deficiency of Schlack is not cured by the supplemental teaching of Prokopenko or Zomaya.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, the independent claims 2, 3, 8-11 and 15-17 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

#### **CONCLUSION**


In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request reconsideration and early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By 

Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800